

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ACTEON, INC.,

1:20-cv-14851-NLH-AMD

Plaintiff,

MEMORANDUM OPINION & ORDER

v.

JOSEPH B. HARMS,

Defendant.

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**APPEARANCES:**

JORDAN ELLIOT PACE  
CHARLES J. FALLETTA  
SILLS CUMMIS EPSTEIN & GROSS, PC  
THE LEGAL CENTER  
ONE RIVERFRONT PLAZA  
NEWARK, NJ 07102-540

*On behalf of Plaintiff*

JAMES S. RICHTER  
MIDLIGE RICHTER LLC  
645 MARTINSVILLE ROAD  
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AVIVA GRUMET-MORRIS  
KARA E. COOPER  
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35 W. WACKER DRIVE  
CHICAGO, IL 60618

*On behalf of Defendant*

**HILLMAN, District Judge**

WHEREAS, this matter concerns claims by Plaintiff Acteon, Inc. against its former employee, Defendant Joseph B. Harms, for breach of their agreements and trade secret violations when

Harms began working for a competitor in the dental imaging industry; and

WHEREAS, in consideration of Acteon's Motion for Preliminary Injunction to enforce the non-competition provision in their contract and to prevent the disclosure of confidential and trade secret information to its competitor, on November 6, 2020, the Court entered the following Order in accordance with the reasoning expressed in the Court's Opinion:

ORDERED that Defendant Joseph B. Harms be, and hereby is, enjoined from his employment at 3Disc, and any other entity with a "competitive product" as defined by the parties' separation agreement, in the United States for the remaining duration of the one-year non-competition period; and it is further

ORDERED that Defendant Joseph B. Harms be, and hereby is, enjoined from disclosing confidential information and trade secrets of Plaintiff Acteon, Inc.

(Docket No. 26); and

WHEREAS, on November 10, 2020, Harms filed a letter seeking clarification of this Order regarding whether he is permitted to perform this non-United States work while physically located the United States (Docket No. 27), a position that Acteon objects to (Docket No. 28), including pointing out that the Court's Order encompassed its trade secret violation claims, which are not limited to a specific geographical area, in addition to their claim for breach of the non-compete agreement; and

WHEREAS, the Court has considered the parties' arguments on the issue;

THEREFORE,

IT IS on this 13th day of November, 2020

ORDERED that the Court clarifies its November 6, 2020

Opinion and Order as follows:

ORDERED that Defendant Joseph B. Harms be, and hereby is, enjoined from his employment at 3Disc, and any other entity with a "competitive product" as defined by the parties' separation agreement, in the United States for the remaining duration of the one-year non-competition period; and it is further

ORDERED that Defendant Joseph B. Harms may be physically located in the United States while he performs his job duties for non-United States entities and customers; and it is further

ORDERED that Defendant Joseph B. Harms be, and hereby is, enjoined from disclosing confidential information and trade secrets of Plaintiff Acteon, Inc. anywhere in the world.

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At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.